

seeking to influence the Department's programs.

**EFFECTIVE DATE:** December 29, 1995.

**FOR FURTHER INFORMATION CONTACT:**

Aaron Santa Anna, Assistant General Counsel, Ethics Law Division; Office of General Counsel; Room 2158; U.S. Department of Housing and Urban Development; 451 Seventh Street, SW; Washington, DC 20410-0500; telephone (202) 708-0836. Hearing or speech-impaired individuals may call HUD's TDD number (202) 708-0113, or 1-800-877-8399 (Federal Information Relay Service TDD). (Other than the "800" number, these are not toll-free numbers.)

**SUPPLEMENTARY INFORMATION:** Section 112 of the Department of Housing and Urban Development Reform Act of 1989, Pub. L. 101-235, approved December 15, 1989, added a new section 13 to the Department of Housing and Urban Development Act, 42 U.S.C. 3531, *et seq.* Section 13 contained two principal features. The first established the standards under which:

- Persons that make expenditures to influence a HUD officer or employee in the award of financial assistance or the taking of a management action by the Department must keep records, and report to HUD, on the expenditures; and
- Persons that are engaged to influence a HUD officer or employee in the award of financial assistance or the taking of a management action by the Department must register with HUD, and report to HUD on their lobbying activities.

The second feature imposed limitations on the fees that may be paid to consultants who are engaged to influence the award or allocation of the Department's financial assistance. Section 13 is codified at 24 CFR part 86.

The Lobbying Disclosure Act of 1995 (Pub. L. 104-65, approved December 19, 1995) established government-wide lobbying procedures and requirements. Sections 11(b)(1) and 24(a) of the new law repealed Section 13, effective January 1, 1996.

The purpose of this document is to advise the public that beginning on January 1, 1996, the requirements of part 86 do not apply. The public should take special notice that the expenditure and registrant reports—due no later than January 10, 1996 under 24 CFR 86.20(c) and 86.25(c)—need not be submitted. Since the Lobbying Disclosure Act of 1995 contains new requirements governing lobbying agencies, including HUD, the public is advised to become familiar with the provisions of the new law.

The Department plans to issue a final rule removing part 86 in the near future.

**Other Matters**

**A. Environmental Impact**

This document is categorically excluded from the NEPA requirements of HUD regulations at 24 CFR 50.20(k), which implement section 102(2)(C) of the National Environmental Policy Act of 1969. The notice involves internal administrative procedures whose content does not constitute a developmental decision nor affect the physical condition of project areas or building sites.

**B. Executive Order 12606, the Family**

The General Counsel, as the Designated Official under Executive Order 12606, The Family, has determined that this document is procedural only, and does not have potential for significant impact on family-formation, maintenance, and general well-being, and, thus is not subject to review under the Order.

**C. Executive Order 12612, Federalism**

The General Counsel, as the Designated Official under section 6(a) of Executive Order 12612, Federalism, has determined that this document is procedural only, and does not have substantial, direct effects on States, on their political subdivisions, or on their relationship with the Federal government, or on the distribution of power and responsibilities among the various levels of government.

**List of Subjects in 24 CFR Part 86**

Administrative practice and procedure, Lobbying (Government agencies), Reporting and recordkeeping requirements.

Dated: December 26, 1995.

Nelson A. Diaz,  
General Counsel.

[FR Doc. 95-31542 Filed 12-28-95; 8:45 am]

**BILLING CODE 4210-01-P**

**DEPARTMENT OF THE TREASURY**

**Bureau of Alcohol, Tobacco, and Firearms**

**27 CFR Part 5**

[T.D. ATF-369; Re: T.D. ATF-360, Notice Nos. 782, 780; 91F009P]

**RIN 1512-AB22**

**Alteration of Class and Type: Vodka**

**AGENCY:** Bureau of Alcohol, Tobacco, and Firearms (ATF), Department of the Treasury.

**ACTION:** Final rule, Treasury decision.

**SUMMARY:** This final rule amends the distilled spirits regulations to remove the requirement that on and after December 29, 1995, citric acid may be added to vodka in an amount not to exceed 300 milligrams per liter (300 ppm) without changing the product's designation as vodka. This amendment is being made in accordance with a Federal statutory requirement which, in pertinent part, prohibits the implementation of T.D. ATF-360 [59 FR 67216, Dec. 29, 1994].

**EFFECTIVE DATE:** This document is effective on December 29, 1995.

**FOR FURTHER INFORMATION CONTACT:**

David W. Brokaw, Wine, Beer and Spirits Regulations Branch, (202) 927-8230.

**SUPPLEMENTARY INFORMATION:**

**Background**

Treasury decision ATF-360, amended the distilled spirits regulations, 27 CFR 5.23(a)(3) to authorize the use of a trace amount (defined as up to 300 milligrams per liter or 300 ppm) of citric acid in the production of vodka, without changing its designation as vodka. This level was intended to ensure that distiller may continue to use citric acid as a smoothing agent to correct objectionable tastes which might result from such things as the water used in reducing the proof, the charcoal used in distillation, or the glass in which packaged. This level was also intended to protect the integrity of the standard of identify for vodka, a product, which by definition, may not have any distinctive character, aroma, taste, or color. The requirements in T.D. ATF-360 were to be effective on or after December 29, 1995.

Public Law 104-52, 109 Stat. 468, Nov. 19, 1995

Section 528 of Public Law 104-52 states that, "(n)o part of any appropriation made available in this Act shall be used to implement Bureau of Alcohol, Tobacco and Firearms Ruling T.D. ATF-360; Re: Notice Nos. 782, 780, 91F009P." The Conference Report accompanying Public Law 104-52, H.R. Rep. 104-291, Oct. 20, 1995, provides as follows: "Although conferees agree with the Senate proposal that no part of any appropriation made available in this Act shall be used to implement the ATF and Treasury decision ATF-360 (59 FR 67216, 12/29/94), which limited the amount of citric acid that could be added to vodka to 300 parts per million (PPM), the conferees recognize the complex nature of the various issues surrounding any standard of identify

determination with respect to the labeling of vodka. Therefore, the ATF is directed to conduct a study, in consultation with industry members, to determine whether a more reasonable industry standard can be established that better balances the interests of the consumer, the industry, and the government."

Accordingly, as a result of Public Law 104-52, ATF is amending 27 CFR § 5.23(a)(3) to remove the 300 ppm citric acid limitation requirement set by T.D. ATF-360 pending further study. During the pendency of such study, ATF will continue to allow the use of up to 1,000 ppm of citric acid in distilling vodka without changing its designation as "vodka," subject to the applicable formula requirements.

#### Notice and Public Procedure

Because this final rule implements a specific Federal statutory requirement prescribed by section 528 of Public Law 104-52, and in view of the immediate need for guidance to the industry with respect to compliance with applicable regulations, it is found to be impractical and contrary to the public interest to issue this rule with notice and public procedure under 5 U.S.C. 553(b) or subject to the effective date limitation of 5 U.S.C. 553(d).

#### Regulatory Flexibility Act

The provisions of the Regulatory Flexibility Act relating to a final regulatory flexibility analysis (5 U.S.C. 604) are not applicable to this final rule because the agency was not required to publish a general notice of proposed rulemaking under 5 U.S.C. 553 or any other law.

#### Executive Order 12866

It has been determined that this regulation is not a significant regulatory action as defined in E.O. 12866 because (1) it will not have an annual effect on the economy of \$100 million or more or adversely affect in a material way the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal communities; (2) create a serious inconsistency or otherwise interfere with an action taken or planned by another agency; (3) materially alter the budgetary impact of entitlement, grants, user fees, or loan programs, or the rights and obligations of recipients thereof; or (4) raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in Executive Order 12866.

#### Paperwork Reduction Act

The provisions of the Paperwork Reduction Act of 1980, Public Law 96-511, 44 U.S.C. Chapter 35, and its implementing regulations, 5 CFR Part 1320, do not apply to this final rule because no requirement to collect information is imposed.

#### Disclosure

Copies of the notices, the Treasury decision, and all comments are available for public inspection during normal business hours at: ATF Reading Room, Room 6300, 650 Massachusetts Avenue NW., Washington, DC.

Drafting Information: The principal author of this document is David W. Brokaw, Wine, Beer, and Spirits Regulations Branch, Bureau of Alcohol, Tobacco, and Firearms.

#### List of Subjects in 27 CFR Part 5

Advertising, Consumer protection, Customs duties and inspection, Imports, Labeling, Liquors, Packaging and Containers.

#### Authority and Issuance

27 CFR Part 5—Labeling and Advertising of Distilled Spirits, is amended as follows:

#### PART 5—LABELING AND ADVERTISING OF DISTILLED SPIRITS

Paragraph 1. The authority citation for 27 CFR part 5 continues to read as follows:

Authority: 26 U.S.C. 5301, 7805, 27 U.S.C. 205.

Par. 2 Section 5.23(a)(3)(iii) is revised to read as follows:

#### § 5.23 Alterations of class and type

(a) *Additions.* \* \* \*

\* \* \* \* \*

(3) \* \* \* (iii) any material whatsoever in the case of neutral spirits or straight whiskey, except that vodka may be treated with sugar in an amount not to exceed 2 grams per liter and a trace amount of citric acid.

\* \* \* \* \*

Par. 3 Section 5.23(c)(2) is removed.

Signed: December 11, 1995.

Daniel R. Black,  
*Acting Director.*

Approved: December 13, 1995.

Dennis M. O'Connell,  
*Acting Deputy Assistant Secretary*  
(Regulatory, Tariff, & Trade Enforcement)  
[FR Doc. 95-31505 Filed 12-28-95; 8:45 am]  
BILLING CODE 4810-31-M

#### PENSION BENEFIT GUARANTY CORPORATION

#### 29 CFR Part 2607

RIN 1212-63

#### Disclosure and Amendment of Records Under the Privacy Act

AGENCY: Pension Benefit Guaranty Corporation.

ACTION: Final rule.

**SUMMARY:** The Pension Benefit Guaranty Corporation is amending its regulations implementing the Privacy Act of 1974, as amended. This rule amends part 2607 to describe more accurately the exemption applicable to certain records maintained by the PBGC in view of changes to PBGC's Privacy Act systems of records and to increase the PBGC's standard copying fee.

**EFFECTIVE DATE:** January 29, 1996.

**FOR FURTHER INFORMATION CONTACT:** D. Bruce Campbell, Attorney, Office of the General Counsel, Pension Benefit Guaranty Corporation, 1200 K Street, NW., Washington, DC 20005-4026, 202-326-4123 (202-326-4179 for TTY and TDD). (These are not toll-free numbers.)

**SUPPLEMENTARY INFORMATION:** On November 15, 1995, the PBGC published in the Federal Register (60 FR 57372) a proposed rule amending part 2607 of its regulations implementing the Privacy Act of 1974, as amended ("Privacy Act") (5 U.S.C. 552a). The PBGC received no comments during the comment period and this final rule amends the regulations as proposed.

The final rule increases the fee the PBGC charges for record copies furnished to individuals, from \$0.10 to \$0.15 per page, the same fee as the PBGC charges for copies furnished to individuals under the Freedom of Information Act. The amendment increases from \$1.00 to \$1.50 the threshold amount under which the agency does not assess a fee.

Because the PBGC is dividing an existing Privacy Act system of records into two systems of records, PBGC-5 (retitled Personnel Files—PBGC) and PBGC-12 (Personnel Security Investigation Records—PBGC), the final rule moves the exemption from certain provisions of the Privacy Act to PBGC-12.

E.O. 12866 and the Regulatory Flexibility Act

The PBGC has determined that this action is not a "significant regulatory action" under the criteria set forth in Executive Order 12866.

Based on fees assessed in the past, the PBGC estimates that the copying fee